

Notice of Allowability

Application No.

09/954,444

Examiner

Jerry A. Lorengo

Applicant(s)

GURALSKI ET AL.

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendments filed October 30, 2003.
2. ☒ The allowed claim(s) is/are 1-39.
3. ☒ The drawings filed on 29 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ Including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ Including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

(1)

Election/Restrictions

Applicant's election without traverse of Group I, claims 1-39 in the paper filed October 30, 2003 is acknowledged.

(2)

Allowable Subject Matter

Claims 1-39 have been found to be allowable over the prior art of record.

(3)

The following is an examiner's statement of reasons for allowance:

Methods for the manufacturing of refastenable absorbent articles (diapers), such as those disclosed in U.S. Patent Nos. 6,454,751 to Olson; 6,409,858 to Popp et al.; 6,395,115 to Popp et al.; 6,328,725 to Fernfors; 6,099,516 to Pozniak et al.; 5,578,152 to Goulait et al.; and 4,253,461 to Strickland et al.; are known in the art. U.S. Patent No. 6,395,115 to Popp et al. and Fernfors, for example, disclose one such method wherein a body panel web is continuously moved in a machine direction followed by the application of a plurality of discrete fastener pieces to the body panel web also spaced in the machine direction, wherein the body panel web and fastener pieces are successively cut along a cross direction between the first and second ends of each of the fastener pieces thereby forming a plurality of discrete body panels each comprising opposite side edges and a plurality of fastener members. Although Strickland et al. disclose that it is known to provide absorbent articles with a plurality of pairs of fastener members, none of the prior art of record specifically teaches or suggests such a method, as set forth in applicant claims 1 and 24, wherein the successive cutting of the body panels and fastener pieces along a cross direction at a location between the first and second ends of each of the fastener pieces results in the formation of a plurality of discrete body panels each comprising opposite side edges and a plurality of pairs of fastener pieces.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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(4)

Information Disclosure Statement

The information disclosure statements (IDSs) submitted on 01/29/2002, 03/21/2002, 08/05/2002, 12/16/2002, 03/17/2003 and 08/25/2003 have been considered by the examiner and initialed copies are attached hereto.

(5)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry A. Lorengo whose telephone number is (571) 272-1233. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. Please note that all patent application related correspondence transmitted by FAX must be directed to the central FAX number at 703-872-9306.

J.A. Lorengo
Primary Examiner
AU 1734
January 10, 2004